

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

WILLIAM JOHNSON, JILL JOHNSON, )  
BRIAN MASON, NAOMI MASON, and )  
SECOND AMENDMENT FOUNDATION, INC., )

Plaintiffs,

V.

ELIZABETH HERTELL, in her official capacity as )  
Director of the Michigan Department of Health )  
and Human Services, )

Defendant.

) No. 2:17-CV-124-PLM-TPG

David G. Sigale (Atty ID#6238103 (IL))  
Attorney for Plaintiffs  
LAW FIRM OF DAVID G. SIGALE, P.C.  
430 West Roosevelt Road  
Wheaton, IL 60187  
630.452.4547  
[dsigale@sigalelaw.com](mailto:dsigale@sigalelaw.com)

Cassandra A. Drysdale-Crown (P64108)  
Jennifer L. A. Walker (P73048)  
Assistant Attorneys General  
Attorneys for Defendant  
Michigan Department of Attorney General  
Health, Education & Family Services Division  
P.O. Box 30758  
Lansing, MI 48909  
(517) 335-7603  
drysdalecrown@michigan.gov  
[walkerj32@michigan.gov](mailto:walkerj32@michigan.gov)

### **JOINT STATUS REPORT**

As directed by the Court, the parties submit this Joint Status Report.

The parties conducted the following discussions, which if enacted would resolve Plaintiffs' Second Amendment Claims against State Defendant.

1. The drafting and implementation of a revised Foster Family Homes and Foster Family Group Homes Rule 400.9415 (Rule 415).
2. Implementation of various training measures.
3. A settlement agreement which would include a resolution of Plaintiffs' claim for attorney's fees or an agreement to place said issue before the Court.

Plaintiffs and State Defendant approved revisions that amended Rule 415. Subsequently, and in accord with the Michigan Administrative Procedures Act, MCL 24.201, *et seq.*, this amended rule is in the statutory process of promulgation. On October 12 and 13, 2021, MDHHS held public hearings for public views and comments on the amended Foster Family Homes and Foster Family Group Homes – including amended Rule 415 - in accord with MCL 24.241, but the public did not comment and did not raise proposed changes to this amended rule. Accordingly, MDHHS will continue promulgation by submitting amended Rule 415 to the Michigan Legislative Services Bureau by November 12, 2021, for review and to determine whether this amended rule is “proper as to all matters of form, classification and arrangement”. MCL 24.245(1).

The parties suggest a follow-up status report on or before January 31, 2022.

Date: November 1, 2021

/s/ Cassandra A. Drysdale-Crown  
Cassandra A. Drysdale-Crown (P64108)  
Assistant Attorneys General  
Attorney for Defendant  
Health, Education & Family  
Services Division  
P.O. Box 30758  
Lansing, MI 48909  
(517) 335-7603  
[drysdalecrown@michigan.gov](mailto:drysdalecrown@michigan.gov)

/s/ David G. Sigale  
David G. Sigale (Atty. ID# 6238103 (IL))  
Attorney for Plaintiffs  
LAW FIRM OF DAVID G. SIGALE, P.C.  
430 West Roosevelt Road  
Wheaton, IL 60187  
630.452.4547  
[dsigale@sigalelaw.com](mailto:dsigale@sigalelaw.com)